



## PACIFIC LEGAL FOUNDATION

June 20, 2007

Ms. Patricia J. Boomsma  
Flagstaff City Attorney  
211 West Aspen Avenue  
Flagstaff, AZ 86001

**VIA FACSIMILE (928) 913-3204  
AND CERTIFIED MAIL**

Dear Ms. Boomsma:

I represent Messrs. Jon Regner, Paul Turner, Ms. Trudy Hope, and Mr. Bob Richards and his wife Mrs. Margaret Allen, all residents of Flagstaff who own property within the district designated as a "historic" area pursuant to City Ordinance No. 2007-34. Please consider this letter as a demand for just compensation pursuant to Arizona Revised Statutes section 12-1134(E) with regard to each of these properties.

Mr. Regner owns property located at 620 West Birch in Flagstaff; the parcel includes two houses. Mr. Regner purchased the property with the intention of replacing the rear structure with a duplex and refurbishing the front structure, both to provide rental income. By obstructing Mr. Regner's right to use his property for a profitable, non-nuisance use, City Ordinance No. 2007-34 deprives him of his property rights as secured under the Arizona Private Property Protection Act, and he is entitled to just compensation. Mr. Regner estimates the diminution of his property value at \$168,000.00, and pursuant to the Private Property Protection Act, Mr. Regner demands compensation in this amount.

Mr. Paul Turner owns property located at 528 West Aspen Avenue. Mr. Turner has long planned to develop a portion of this lot by constructing a residential structure, and has already installed sewer and utility hookups for this purpose. City Ordinance No. 2007-34, however, limits the height of structures to 25 feet, with a mandatory roof pitch of 6:12, which makes it impossible for Mr. Turner to renovate his property in the manner he desires. The Ordinance therefore deprives him of his property rights to a value estimated at \$40,000.00, and pursuant to the Private Property Protection Act, Mr. Turner demands compensation in this amount.

Mr. Bob Richards and his wife Margaret Allen own property located at 703 West Birch, on which there are two structures, one of which is a two-story structure and the other a one-story structure. They have planned an expansion to the main house, but due to the set-back requirements of City Ordinance No. 2007-34, this is no longer feasible. In addition, the restriction prohibits Mr. Richards

Ms. Patricia J. Boomsma  
June 20, 2007  
Page 2

and Mrs. Allen from adding a second story to the rear structure, depriving them of at least 800 square feet of space, at a value estimated at \$160,000.00. Pursuant to the Private Property Protection Act, therefore, Mr. Richards and Mrs. Allen hereby demand compensation for the diminution of their property value.

Please respond to this letter by July 15, 2007, with an explanation of what process the City will provide for compensating the above named property owners, and when they can expect such compensation. Alternatively, please explain on what grounds the City believes that it is not required to compensate these property owners. Please be aware that other property owners have also contacted us and that further demand letters like this one may be forthcoming.

Sincerely,



JAMES S. BURLING  
Principal Attorney

cc: Mayor Joseph C. Donaldson  
Vice Mayor Scott Overton  
Councilwoman Karen Cooper  
Councilman Joe Haughey  
Councilwoman Kara Kelty  
Councilman Rick Swanson  
Councilman Al White